



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:)
Chatani, Massayuki) Group Art Unit: 2155
Application No: 09/846,115) Examiner: Bharat Barot
Filed: April 30, 2001) Atty. Docket No: SONYP009
For: ALTERING NETWORK TRANSMITTED)
CONTENT DATA BASED UPON USER)
SPECIFIED CHARACTERISTICS)

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on June 25, 2007.

Signed: _____

Kay Harlow
Kay Harlow

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Dear Sir:

This paper is filed on June 25, 2007 with a Notice of Appeal in response to the Final Office Action mailed on February 22, 2007. Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. The review is requested for the reasons stated below.

A Final rejection was mailed February 22, 2007. An amendment after Final Rejection that included a declaration pursuant to 37 CFR section 1.131 was entered by the examiner

after Final. An Advisory Action was mailed May 8, 2007, indicating that the Amendment filed on April 23, 2007, was not considered persuasive. Claims 1-19, 21-23 and 25-37 are pending in the application. Reconsideration of the present case is respectfully requested in light of the following remarks. Please note that for brevity, only the primary arguments directed to the independent claims are presented, and that additional arguments, e.g., directed to the subject matter of the remaining dependent claims, may be presented if and when the case proceeds to Appeal.

ARGUMENT

SUMMARY OF ARGUMENTS

The Examiner's rejections are inappropriate for at least the following reasons:

Argument 1: A prima facie case of obviousness has not been established because the proposed modification of Dietz with the teachings of Dymetman changes a principle of operation of Dietz.

Argument 2: Dietz and Dymetman are directed toward performing language translation whereas Applicant has amended the claims to include a negative limitation so the claims explicitly do not perform language translation.

Argument 3: The Office is misinterpreting the term "expression" when applying Dymetman to Applicant's claimed invention.

ARGUMENT 1

Assuming there is motivation to combine the Dietz and Dymetman, the proposed combination would be contradictory to MPEP 2143.01 VI. MPEP 2143.01 VI states, "If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." With Dietz, "Outputting in audio form requires a text-to-voice application 211 which converts the desired language text into an audio output *for sending to I/O device 201*." (Column 6, Lines 4-7). Thus, even in light of Dymetman, Dietz is principally concerned with outputting language translation performed by the data processing system 202 from the *first computer, I/O device 201* (see Figure 2). Therefore, the Office's proposed combination of Dietz and Dymetman to produce audible sound output from the *second computer*, would *change the principle of operation of Dietz*. Where the Office wishes to produce audible sound from Dietz's *second computer*, Dietz explicitly states that audible sound data is to be sent to the *I/O device, or first computer*.

ARGUMENT 2

Applicant has explicitly included the negative limitation so the claims do not include language translation to traverse the language translation taught in Dietz and Dymetman. However, the Office persistently maintains that with Dietz and Dymetman, performing language translation is a design choice or obvious to select/not select based on the system/user demand. Applicant believes that is no basis for the Office's insistence that language translation is optional in either Dietz or Dymetman.

With Dietz, the phrase, "language translation" is included in the title of the patent. Furthermore, in the Abstract and claim 1, Dietz explicitly states, "A method for dynamically providing language translation of a human utterance from a first human language into a second human language." Similarly, Figure 2 of Dietz includes Language Translation Environment 209 while Figure 3 includes operation 319 to translate text into text of desired language.

Regarding Dymetman, "linguistic" is found in the title of the patent and the abstract uses the phrases "source language" and "target language". Additionally, Dymetman further specifies that, "The computer system 200 transformed, i.e. *translates* or interprets, the first expression 201 in a first language into the second expression 202 in a second language." (Column 8, Lines 22-25). Later, Dymetman states, "The method 100 transforms, i.e. *translates* or interprets, a first expression 11 in a first language, provided in a written, spoken

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or other form, into a second expression 181 in a second language, provided in written, spoken or other form" (Column 9, Lines 28-32). Furthermore, Dymetman particularly claims "a computer implemented method for transforming a first expression in a first language into a second expression in a second language..."

As both Dietz and Dymetman explicitly and repetitively discuss language translation in both the claims and written description, Applicant finds it wholly incongruous for the Office to maintain that language translation is an optional element in Dietz or Dymetman when either patent is taken as a whole.

ARGUMENT 3

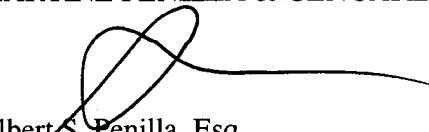
Applicant believes the Office is not considering the difference between the claimed "an expression to be applied to the content data", and "expression" as used in Dymetman. Dymetman states, "The first expression 111 comprises a plurality of words in the first language." (Column 9, Lines 32-33). Dymetman further explains that, "From the second plurality of representation 171, 172 and 173 one or more appropriate representations may be selected to obtain the second expression 181 in the second language." (Column 10, Lines 9-12). Thus, Dymetman is using "expression" to define sentences and Dymetman's "expression" at best, may be considered analogous to Applicant's "content data". As such, for Dymetman to teach *applying an expression* to the content data would be nonsensical because it could be interpreted as teaching applying content data to the content data.

Conclusion

In view of the foregoing, the Applicant submits that Dietz and Dymetman fail to form a prima facie case of obviousness and that the Office has failed to cite analogous art.

In view of the foregoing, the Applicant respectfully submits that all of the pending claims are in condition for allowance. The Applicant kindly requests that the Office withdraw the rejections of the pending claims and issue a Notice of Allowance. If the Office has any questions concerning the present Request, the undersigned can be reached at (408) 774-6911. If any additional fees are due in connection with filing this Request, the Commissioner is authorized to charge Deposit Account No. 50-0805 (Order No. SONYP009). Enclosed herewith is the associated Notice of Appeal and Return Receipt Postcard.

Respectfully submitted,
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